

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

BOBBY SHAWN JANOE

Petitioner,

V.

L.E. SCRIBNER, Warden, et al.,

Respondents.

Civil No. 08-0420 JLS (POR)

**ORDER GRANTING REQUEST FOR
EXTENSION OF TIME TO RESPOND
TO PETITION [Doc. No. 8.]**

Petitioner, a state prisoner proceeding pro se, has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. On March 18, 2008, this court ordered that Respondent shall file a motion to dismiss on or before May 1, 2008, or an answer on or before May 16, 2008. On May 15, 2008, Respondent filed a request for an enlargement of time, until July 14, 2008, to respond to the petition. (Dkt. No. 8). Attached to Respondent's motion is the supporting declaration of Deputy Attorney General Kim Aarons. (Dkt. No. 8-2.)

Aarons' declaration represents that her work on this case has been impeded because she has not yet received all the records that she has requested from Petitioner's correctional facility. For good cause shown, and in the interests of properly resolving the issues raised in the Petition, the Court grants Respondent's request. Accordingly, **IT IS HEREBY ORDERED:**

27 1. Respondent shall file and serve an answer to the Petition or a motion to dismiss
28 pursuant to Rule 5 of the Rules Governing § 2254 Cases no later than **July 14, 2008**. At the time the

1 answer is filed, Respondent shall lodge with the Court all records bearing on the merits of
2 Petitioner's claims. The lodgments shall be accompanied by a notice of lodgment which shall be
3 captioned "**Notice of Lodgment in 28 U.S.C. § 2254 Habeas Corpus Case — To Be Sent to**
4 **Clerk's Office.**"

5 2. Petitioner may file a traverse to matters raised in the answer, or opposition to any
6 motion to dismiss, no later than **August 14, 2008**. Any traverse by Petitioner (a) shall state whether
7 Petitioner admits or denies each allegation of fact contained in the answer; (b) shall be limited to
8 facts or arguments responsive to matters raised in the answer; and (c) shall not raise new grounds for
9 relief that were not asserted in the Petition. Grounds for relief withheld until the traverse will not be
10 considered. No traverse shall exceed 10 pages in length absent advance leave of Court for good
11 cause shown.

12 3. A request by a party for an extension of time within which to file any of the pleadings
13 required by this Order should be made in advance of the due date of the pleading, and the Court will
14 grant such a request only upon a showing of good cause. Any such request shall be accompanied by
15 a declaration under penalty of perjury explaining why an extension of time is necessary.

16 4. Unless otherwise ordered by the Court, this case shall be deemed submitted on the
17 day following the date Petitioner's traverse is due.

18 **IT IS SO ORDERED.**

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20 DATED: May 19, 2008

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23 LOUISA S PORTER
24 United States Magistrate Judge

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26 cc: All parties

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